

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO.: 4:23CR3051
)	4:23CR3052
Plaintiff,)	
)	
vs.)	OBJECTION TO MAGISTRATE'S
)	ORDER OF DETENTION
JOHNNY PALERMO,)	
)	
Defendant.)	

COMES NOW the Defendant, Johnny Palermo, by and through his attorney, Glenn A. Shapiro, and objects to the Court's Order of April 28, 2023 (Filing #39).

On April 24, 2023, the detention hearing was held in this matter. The Government moved to detain Defendant, Johnny Palermo. The Government called Agent Michele Stevenson in support of their motion to detain. (Filing 52, Page 9). After being sworn, the Government began to show the agent a PowerPoint presentation. (Filing 52, Page 10). Counsel was not provided a copy of the PowerPoint prior to the hearing nor during the hearing. It appeared this PowerPoint was simply a demonstrative aid when the testimony began.

The record from the hearing of April 24, 2023 is difficult to understand. The agent testifies about slides on the PowerPoint, however it is unknown what page of the PowerPoint the agent is looking at from the record. The Government skipped over some slides and had the agent only testify to certain slides.

The Government elicited testimony from Agent Stevenson about an assault in San Diego (Filing 52, Page 10); a driving under the influence case where Defendant, Johnny Palermo fled the scene and a stolen gun was missing; (Filing 52, Page 11) alleged drug use and distribution by Defendant, Johnny Palermo while an officer within the Omaha Police Department; (Filing 52, Page 11) drugs being traded for sex; interference in a rape investigation; and ties Defendant, Johnny Palermo has to two local gangs; and evidence of obstruction of justice with witnesses. (Filing 52, Page 11)

On cross-examination, Agent Stevenson testified that Defendant, Johnny Palermo has not been charged with any crime related to the San Diego event. (Filing 52, Page 59)

Regarding the driving under the influence matter, Agent Stevenson testified Defendant, Johnny Palermo was a passenger, not the driver, and the gun was not reported stolen. (Filing 52, Page 55-56)

Agent Stevenson testified on cross-examination that after listening to Defendant, Johnny Palermo's phone calls via wiretap for three months, no intel was gathered corroborating a Lomas Snitch who said Johnny Palermo was giving the gang intel. (Filing 52, Page 58-60)

Pretrial Services was not recommending detention of Johnny Palermo (Filing 13) Johnny Palermo has no prior record, he had knowledge of this months long investigation and didn't flee the jurisdiction and was arrested without incident at his family home. (Filing 52, Page 63)

The evidence of obstruction of justice is very limited and appears related to Defendant, Johnny Palermo advising a Co-Defendant that he doesn't have to speak to the police.

WHEREFORE counsel requests the Court sustain the objection and order Defendant, Johnny Palermo's release under the supervision of U.S. Pretrial Services.

Dated this 12th day of May, 2023.

JOHNNY PALERMO, Defendant

s/Glenn A. Shapiro #19126
SHAPIRO RIHA LAW LLP
1001 Farnam Street
Omaha, NE 68102
(402) 341-0700
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Lesley A. Woods, Assistant United States Attorney.

s/Glenn A. Shapiro